stituted "doing business" in the state presents a more difficult problem. The Supreme Court of the United States defines "doing business" as "That which occupies the time, attention, and labor of men for the purpose of a livelihood or profit." *Flint* v. *Stone Tracy Co.*, 220 U. S. 107. Disposing of fifteen different cases, the court held that each of the following amounted to "doing business": managing and leasing a hotel; leasing ore lands for mining, and receiving a royalty; owning and leasing taxicabs, and collecting rents therefrom. In *Von Baumbach* v. *Sargent Land Co.*, 242 U. S. 503, leasing and selling land and disposing of stumpage was held to be "doing business." Courts usually decide that merely holding title to property and distributing the income to stockholders is not "doing business." *Zonne* v. *Minneapolis Syndicate*, 220 U. S. 187; *United States* v. *Emery, Bird, Thayer Realty Co.*, 237 U. S. 28. And if, in addition, the corporation is making investments, it is not "doing business." *McCoach* v. *Minehill & S. H. R. Co.*, 228 U. S. 295. Generally, a single transaction is not "doing business." *Potter* v. *The Bank of Ithaca*, 5 Hill 490; *Cooper Manufacturing Co.* v. *Ferguson*, 113 U. S. 727; *Florsheim Bros. D. G. Co.* v. *Lester*, 60 Ark. 120. But see *Boddy* v. *Continental Inv. Co.* (Ala., 1921), 88 So. 294, where it is decided that "one transaction will constitute a doing of business."

TORTS—LIABILITY OF MANUFACTURER TO THIRD PARTY FOR INJURY CAUSED BY UNSAFE PRODUCT.—Plaintiff bought chicken feed from a grain company which was a purchaser and not a selling agent of defendant. The feed contained too large a quantity of salt, and when fed to the plaintiff's chickens caused many of them to die. *Held*, that the plaintiff could not recover. *Tompkins* v. *Quaker Oats Co.* (Mass., 1921), 131 N. E. 456.

The court said, "it is a long established general rule that the manufacturer of an article is not liable to those who have no contractual relation with him for injuries resulting from negligence in its manufacture. This has been based on the various grounds of the absence of a legal duty to the plaintiff to use care in making the article, the break in the chain of legal causation, and the multiplicity of suits thought likely to result if the action were allowed." The court points out the various exceptions to the general rule, such as negligence in the preparation of food for human consumption; where the product is inherently dangerous, or commonly recognized as dangerous, to human life or health, such as poisonous drugs, etc. To the same effect is another recent Massachusetts case, *Windram Mfg. Co.* v. *Boston Blacking Co.* (1921), 131 N. E. 454, where the defendant manufactured cement for pasting linings to fabrics, such cement being deleterious in character and injurious to both the linings and the fabrics. In the case of *Schubert* v. *Clark Co.*, 49 Minn. 331, the action was brought to recover for injuries resulting from a defective step-ladder, and the manufacturer was held liable. In that case the court seems to have considered a step-ladder to be of a dangerous character. An exhaustive review of the cases was there made, but they are mostly cases of the sale of drugs and food for human consumption. See, in this connection, the note to *Craft* v. *Parker, Webb & Co.*, 96 Mich. 245, in 21 L. R. A. 139. See also note in 27 YALE L.

J. 713. There seems to have been a tendency during the past few years to allow a recovery where the article manufactured, while not inherently dangerous, will, if not properly constructed, be dangerous to life or health. *MacPherson* v. *Buick Motor Co.*, 217 N. Y. 382; *Johnson* v. *Cadillac Motor Car Co.*, 261 Fed. 878. A very valuable and comprehensive review of this entire question will be found in 18 MICH. L. R. 676.

TRIAL PRACTICE—DUTY OF COURT TO INSTRUCT.—The trial court refused to give certain requests of the plaintiff as instructions. On appeal the plaintiff complained of this action, while the defendant contended that since it did not appear from the record that the plaintiff had presented any requests to instruct, he could not now contend that there was error at the trial. *Held,* that the court is under a duty to instruct generally upon the issues raised, even in the absence of any requests to instruct. *Sutherland* v. *Payne,* 274 Fed. 360.

The original common law rule was that the judge was under an obligation, when charging the jury, to sum up the evidence produced on both sides and to explain the law of the subject and its application to the particular case. BRICKWOOD'S SACKETT, INSTRUCTIONS (Ed. 3), Sec. 153. Statutory modifications of this rule are quite general in this country, but, aside from these, there has come about a decided diversity of judicial opinion as to the duty of the trial court to instruct the jury when not requested so to do. In accord with the principal case, see *Central R. R.* v. *Harris,* 76 Ga. 501; *Mariner* v. *Smith,* 66 Tenn. 423; *Capital City Brick and Pipe Co.* v. *Des Moines,* 136 Ia. 243; *Pierson* v. *Smith,* 211 Mich. 292. In *Owen* v. *Owen,* 22 Ia. 270, it is said: "It may be said that the counsel did not request instructions, and that therefore it was not obligatory on the court to give any. Such a view does not accord with our conception of the functions and duties of the judge. He should see that every case goes to the jury so that they have clear and intelligent notions of precisely what it is that they are to decide." At least, it is not reversible error for a trial court of its own motion to instruct the jury. *Carey* v. *Callan's Ex'r,* 45 Ky. 44. The other extreme is that the court is under no duty to present instructions to the jury unless requested. *Tetherow* v. *St. Joseph & Des Moines Ry. Co.,* 98 Mo. 74; *Burkholder* v. *Stahl,* 58 Pa. 371; *T. & P. Ry. Co.* v. *Volk,* 151 U. S. 73; *Stuckey* v. *Fritsche,* 77 Wis. 329; *Sears* v. *Atlantic C. L. R. Co.,* 178 N. C. 285. As expressed in *Owens* v. *Owens, supra,* the theory that the judge should instruct, though no requests are presented, is more consonant with the idea of the duties and functions of a judicial officer. It may be conceded that in most cases it is negligence for an attorney to fail to submit requests, yet the one who suffers by the contrary rule is not, primarily, the attorney, but the innocent client. While in matters of drawing pleadings, in introducing evidence, and in many other ways, the conduct of his case is in the hands of the attorney, and the client must suffer for his neglect or inefficiency, here, it would seem, is a case where the court should properly do its utmost to see that justice is done both parties. It seems almost self-evident to say that the public maintains courts, not in order that appellate